

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

March 23, 2021 at 2:00 p.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

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|----|---------------------------------------|----------------|--------------------------------------|
| 1. | <u>21-20009</u> -C-13 | CYNTHIA ARIETA | MOTION TO DISMISS CASE |
| | <u>RDG</u> -1 | Richard Jare | 3-8-21 [<u>24</u>] |

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dckt. 27.

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| <p>The Motion to Dismiss is denied without prejudice.</p> |
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The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed a motion seeking confirmation of the Chapter 13 plan.

A review of the docket shows the debtor filed a second amended plan and corresponding Motion To Confirm on March 18, 2021. Dckts. 30, 32.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is denied without prejudice.

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Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dckt. 62.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on January 26, 2021.

A review of the docket confirms the Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dckts. 53, 58.

Failure to confirm a plan constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dckt. 33.

The Motion to Dismiss is denied without prejudice.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed a motion to confirm the Chapter 13 plan.

A review of the docket shows the debtor filed a first amended plan and corresponding Motion To Confirm on March 18, 2021. Dckts. 38, 41.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is denied without prejudice.

4. [21-20138](#)-C-13 SIDNEY/ANGELA MOORE
Scott Shumaker

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-23-21 [[36](#)]

Final Ruling: No appearance at the March 23, 2021 hearing is required.

The court issued this Order To Show Cause because debtor had not paid a filing fee installment payment due on February 18, 2021. Dckt. 36.

A review of the docket shows that the installment has now been paid. Therefore, the Order To Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dckt. 24.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor is \$15,465.00 delinquent in plan payments, which is supported by declaration. Dckt. 23.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed.

6. [20-25358](#)-C-13 OSVALDO/PATRICIA CASTRO
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-5-21 [[36](#)]

No Tentative Ruling:

The court issued this Order To Show Cause because debtor had not paid the third filing fee installment payment on the due date of March 1, 2021. Dckt. 36.

A review of the docket shows the payment has still not been made, even though the debtors just confirmed their First Amended Chapter 13 plan. Dkt. 41.

At the hearing, xxxxxxxxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is
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7. [18-22662](#)-C-13 RAJINDAR SINGH
[RDG](#)-2 Peter Macaluso

MOTION TO RECONVERT CASE FROM
CHAPTER 13 TO CHAPTER 7
3-9-21 [[123](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dckt. 126.

The Motion to Reconvert or Dismiss is ~~XXXXXXXXXX~~

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor is \$3,400.00 delinquent in plan payments, which is supported by declaration. Dckt. 125.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

The debtor filed an Opposition on March 15, 2021 (Dkt. 128), arguing that a \$1,700.00 payment was made on March 11, 2021, and the remaining delinquency will be cured by the hearing date.

While debtor's counsel represents a partial payment was made, no evidence was filed supporting that representation.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Reconvert or Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Reconvert or Dismiss is ~~XXXXXXXXXXXXXXXXXX~~

8. [17-24479](#)-C-13 TERRY SMITH
Peter Macaluso

CONTINUED ORDER TO SHOW CAUSE -
FAILURE TO TENDER FEE FOR
FILING TRANSFER OF CLAIM
1-25-21 [[80](#)]

Final Ruling: No appearance at the March 23, 2021 hearing is required.

The court issued this Order To Show Cause because Partners for Payment Relief DE II, LLC filed a transfer of claim without paying the filing fee.

A review of the docket shows that the fee has now been paid. Therefore, the Order To Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, and no sanctions ordered.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dckt. 32.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on February 9, 2021.

A review of the docket confirms the Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dckts. 27, 28.

Failure to confirm a plan constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dckt. 52.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed a motion to confirm the Chapter 13 plan.

A review of the docket confirms no confirmation hearing is pending.

Failure to confirm a plan constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed.

11. [21-20087](#)-C-13 PORSCHIA PITTS
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-16-21 [[29](#)]

Final Ruling: No appearance at the March 23, 2021 hearing is required.

The court issued this Order To Show Cause because debtor had not paid a filing fee installment payment due on February 11, 2021. Dckt. 29.

A review of the docket shows that the installment has now been paid. Therefore, the Order To Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.